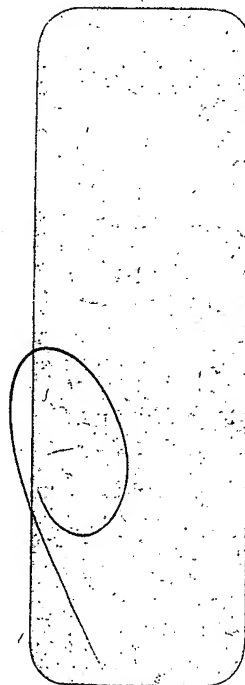


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,979	07/31/2003	Jay Dwight Scissom		2213

7590 09/23/2005  
Donald W. Meeker  
Patent Agent  
924 East Ocean Front #E  
Newport Beach, CA 92661

EXAMINER

YIP, WINNIE S

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/631,979

Applicant(s)

SCISSOM, JAY DWIGHT

Examiner

Winnie Yip

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is a first office action for application Serial No. 10/631,979 filed July 31, 2003.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In these claims, the features of "a first anchoring rigid rod" (claim 4) or "a second anchoring rigid" (claim 15) are confusing whether or not these features are parts of the features of "a first rigid elongated anchoring element" or "a second rigid elongated anchoring element" as previously defined. If the same, a proper antecedent basis is required for consistency. An appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Stein ( US Patent NO.5,080,123) in view of Nelson (US Patent NO. 2,948,288).

Stein shows and discloses a removable shield device capable used for a cooling and heating unit positioned in a housing outdoor, the device comprising: a first and second anchoring frames including a first and second rigid elongated anchoring elements/rods (20) respectively, at least one elevating frame including at least one rigid elongating element (50) connected to a pair of telescopic legs (52, 53), a sheet of flexible material (14) which is capable of dissipating heat and providing shade, the sheet being stretched over the at least one elevating frame (50), the sheet having a first and second ends having a loop (27, 29) to receive the first and second rigid elongated anchoring elements/rods, and tie down means including clamps (87) and straps (60, 62, 64, 66) being attached between the second anchoring frame and an external support (78, 80) that is capably positioned adjacent to the and spaced apart from a base of the house, the strap (64, 66) providing two arms being pivotally and the tie down means is capable of pivoting the second anchoring frame to stretch the sheet and to secure the second anchoring frame to maintain the sheet in a stretched taut condition, and the anchoring frames are capable of aligned with the track of the sun as claimed. Stein does not teach the anchoring frame and at least one elevating frame being adjustable in width. Nelson teaches a removable shield device comprising at least one adjustable elevating frame having at least one rigid elongated elements/rods (72) being telescopic and adjusted in width to be attachable to variety of sizes and shapes of the housing (6). It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the shield device of Stein having the rigid elongated anchoring elements/rods and the rigid elevating elements being adjustable in a telescopic manner as taught by Nelson, as well know of adjustable size, for providing an adjustable elements being adjusted in width for supporting the flexible sheet with respect to the variety of width of the housing to be covered.

5. Claims 1-2, 4- 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Buie ( US Patent NO. 1,593,431) in view of Nelson (US Patent NO. 2,948,288).

Buie shows and discloses a removable shield device capable used for a cooling and heating unit positioned in a housing outdoor, the device comprising: a first and second anchoring frames (13) including a first and second respective rigid elongated anchoring elements/rods (13) pivotally connecting with two arms by pivotable means (14) for being attachable to the house, at least one elevating frame including at least one rigid elongating element/rod (9) connected to the legs (1), a sheet of flexible material (16) which is capable of dissipating heat and providing shade, the sheet being stretched over the at least one elevating frame (9), the sheet having a first and second ends having a loop (18, 20) to receive the first and second rigid elongated anchoring elements/rods therein, and tie down means including brackets (21) for attachment between one of the first and second anchoring frame (13) and an external support that is capably positioned adjacent to the and spaced apart from a base of the house, and the anchoring frames are capable of aligned with the track of the sun as claimed. Buie does not define the anchoring frame and the elevating frame being adjustable in width. Nelson teaches a removable shield device comprising at least one adjustable elevating frame having at least one rigid elongated elements/rods (72) being telescopic and adjusted in width to be attachable to variety of sizes and shapes of the housing (6). It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the shield device of Buie having the rigid elongated anchoring elements/rods and the rigid elevating elements being adjustable in a telescopic manna as taught by Nelson , as well know of mechanism, for providing a adjustable element being

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adjusted in length or width for adjustable the size of the device to supporting the flexible sheet with respect to the variety of width of the housing to be covered.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buie '431 or Stein '123 as applied to claim 1 above, and further in view of Wagner (US Patent No. 4,498,912).

The claim is considered to be met by either Buie or Stein as applied and explained set forth above rejections except that either Buie or Stein do not specifically define the sheet of flexible material having three different layers. Wagner '912 teaches a removable heat shield device (10) for covering a cooling and heating unit positioned outdoor, the device comprising a sheet of flexible material being formed three layers including a top and a bottom canvas layers (26, 24, and 22) for reflecting the sunlight and a middle insulating layer (24) disposed therebetween for insulating the device. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device of Buie or Stein having the sheet of flexible material being made of three layers including top and bottom canvas layers and a middle insulating layer as taught by Wagner for protecting the outdoor cooling device from the sunlight.

#### *Citations*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wooden, Jr. '769, Hughes '423 teach various heat shield devices for covering a cooling and heating unit as similar to the claimed invention. UK 2174281, Lundgren '924, Bagley '544,

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Filho '696, Walters '264, and Dufort '922 teach various shield devices as similar to the claimed invention that is capable for covering a cooling and heating unit.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3637

wsy  
September 19, 2005



<b>Notice of References Cited</b>	Application/Control No. 10/631,979	Applicant(s)/Patent Under Reexamination SCISSOM, JAY DWIGHT	
	Examiner Winnie Yip	Art Unit 3637	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-1,593,431	07-1926	BUIE ARCHIBALD A	135/151
	B	US-2,948,288	08-1960	NELSON LELAND K	135/88.1
	C	US-3,404,696	10-1968	SOUZA FILHO JOSE LUIZ DE	135/91
	D	US-4,498,912	02-1985	Wagner, Theresia K.	55/486
	E	US-4,730,423	03-1988	Hughes, Gary W.	135/87
	F	US-4,745,769	05-1988	Wooden, Jr., Odell	62/259.1
	G	US-5,080,123	01-1992	Stein, Peter	135/97
	H	US-5,226,264	07-1993	Walters, David P.	52/63
	I	US-6,453,922	09-2002	Dufort, Claude	135/117
	J	US-6,625,924	09-2003	Lundgren, Sharon	47/29.6
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	2,174,281	11-1986	United Kingdom	Luker et al.	A01G 13/04
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

(21) Application No 8510875

(22) Date of filing 29 Apr 1985

(71) Applicants

Joseph Norman Luker  
"Forge Cottage", Fullers Yard, Sheephouse Rd,  
Maidenhead, Berks  
Vivienne Jeanne Collyer  
113 Ragstone Rd, Chalvey, Slough, Berks

(72) Inventors

Joseph Norman Luker  
Vivienne Jeanne Collyer

(74) Agent and/or Address for Service

J. N. Luker & V. J. Collyer, 44 Pevensey Road, Northborough  
Est., Slough, Berks SL2 1VQ

(51) INTCL<sup>4</sup>  
A01G 13/04

(52) Domestic classification  
(Edition H)  
A1E 1A

(56) Documents cited

GB A 2037555 GB 0891223 GB 0828392  
GB 0417471 EP A 0017498

(58) Field of search

A1E  
Selected US specifications from IPC sub-class A01G

(54) Collapsable cloche

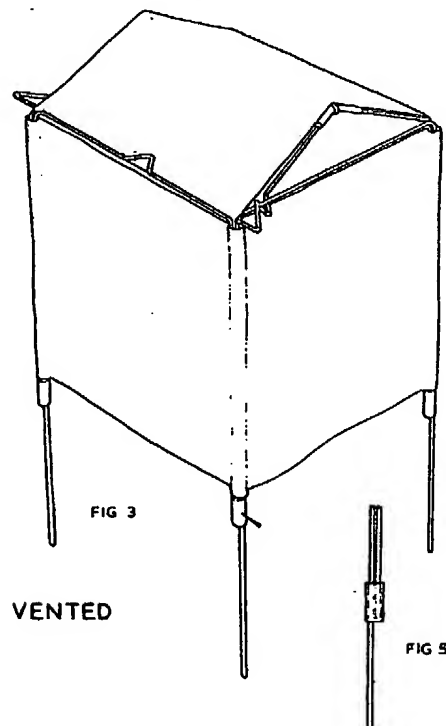
(57) An individual cloche consisting of a square body with integral lid which can be folded down flat for storage without dismantling.

The Doubled Hinged lid providing three positions as follows:—

CLOSED: For harsh conditions

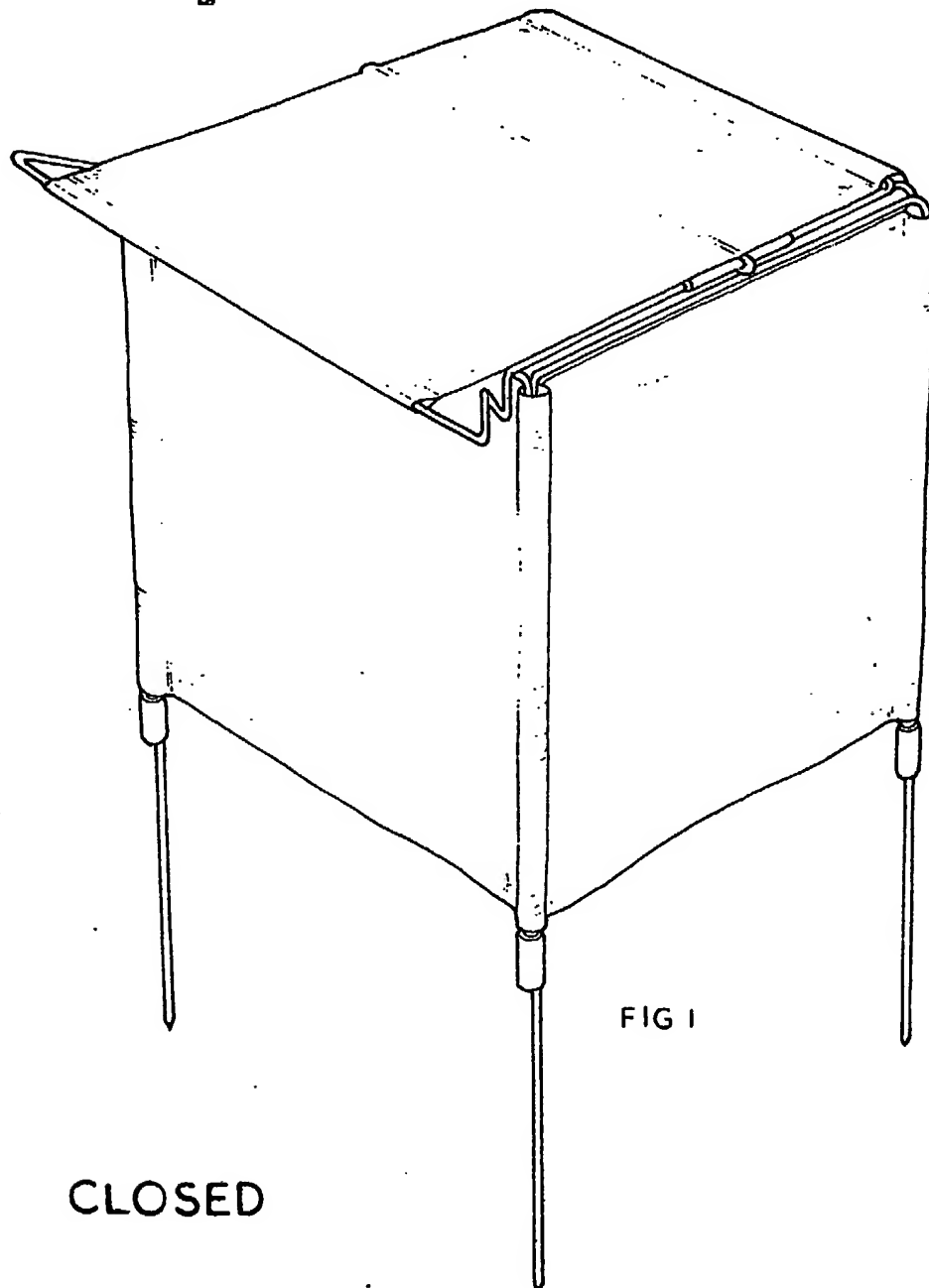
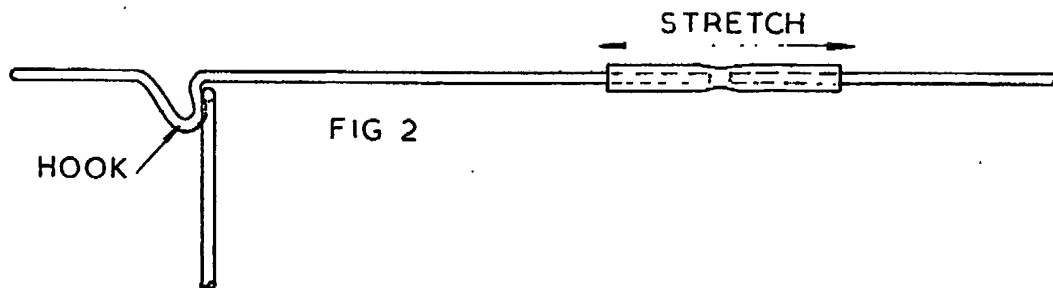
VENTED: For free air circulation.

OPEN: For watering and inspection purposes. See Figure 3.

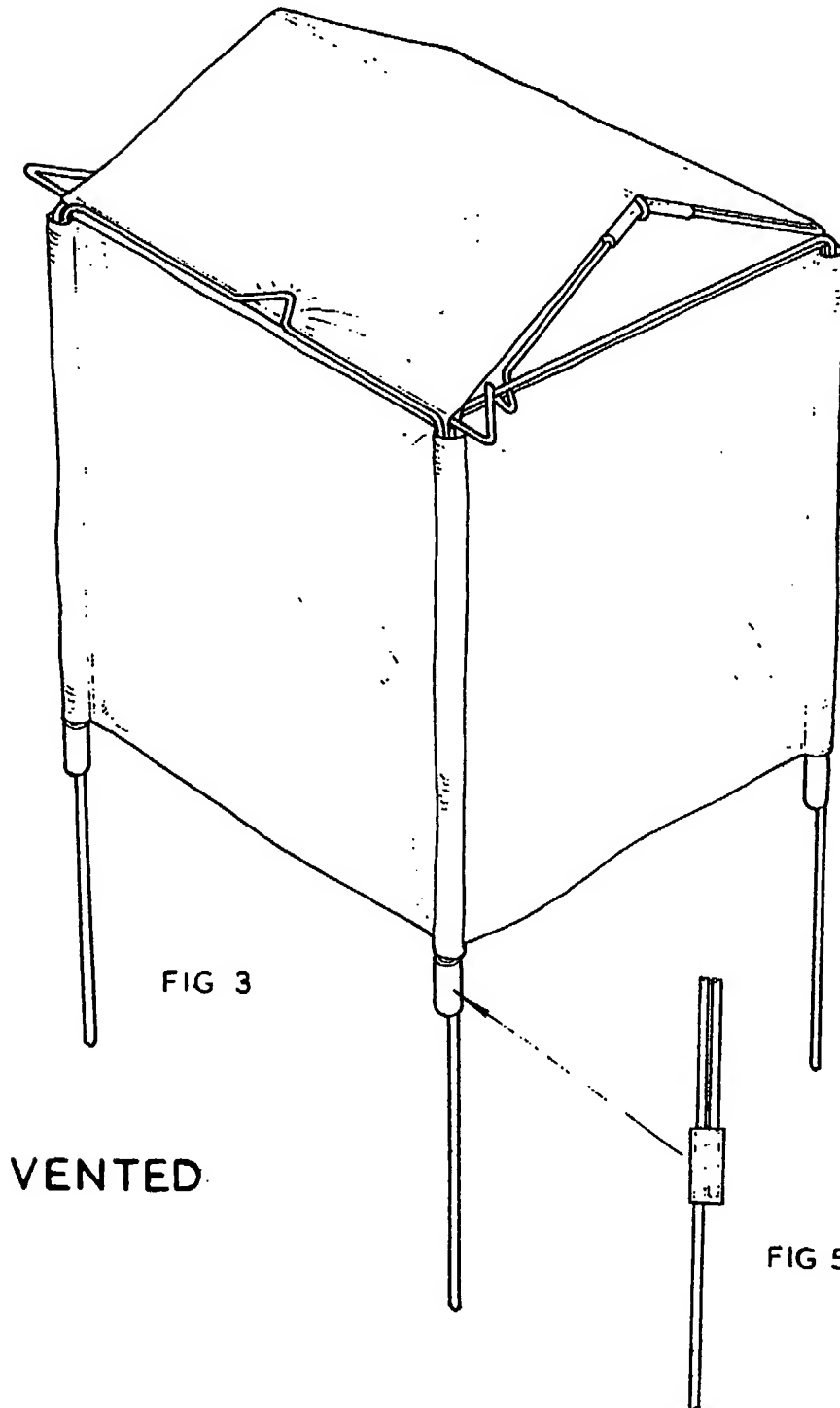
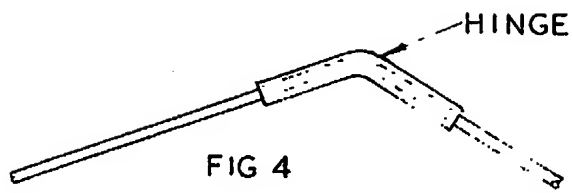


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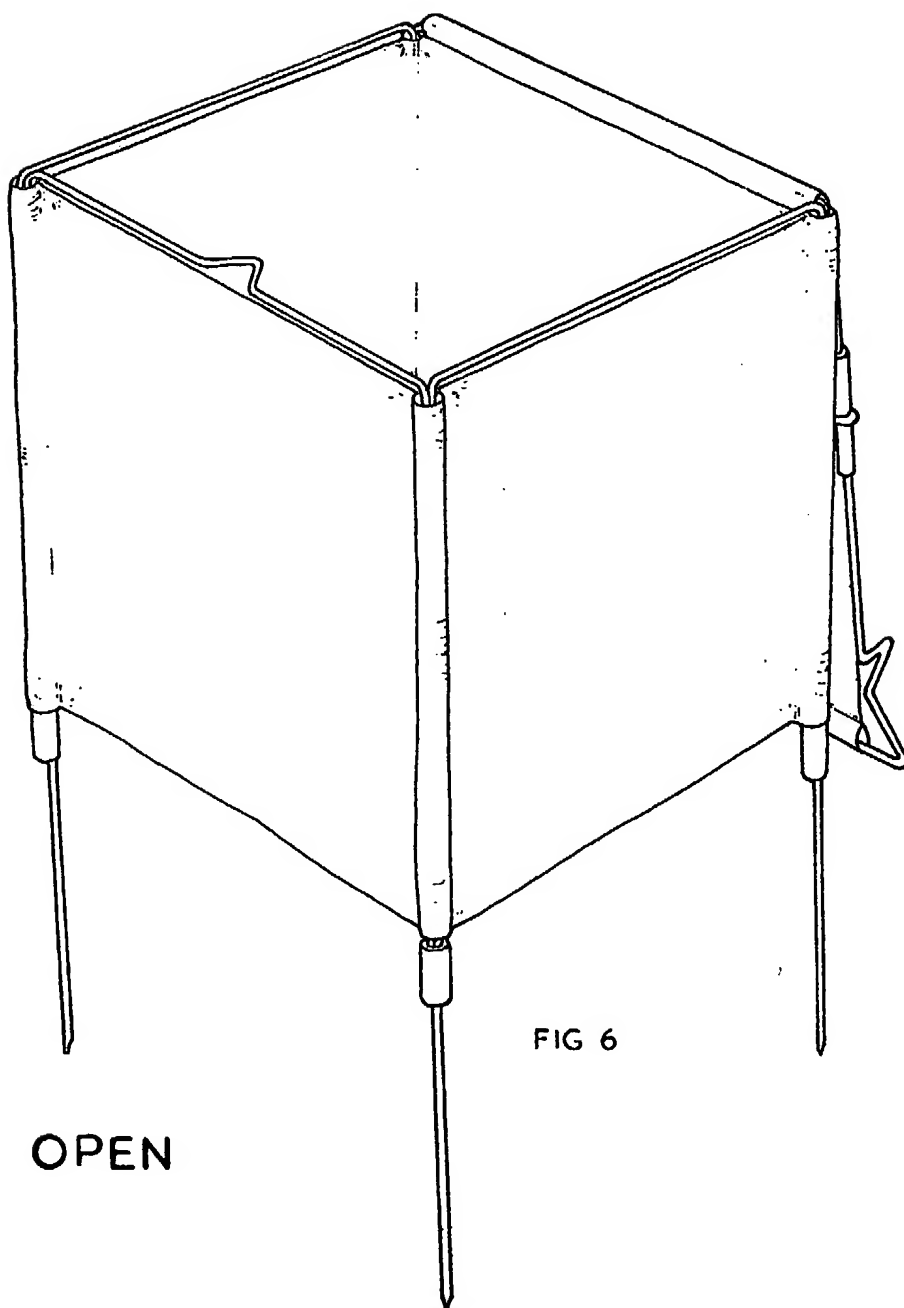
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2/6



3/6



4/6

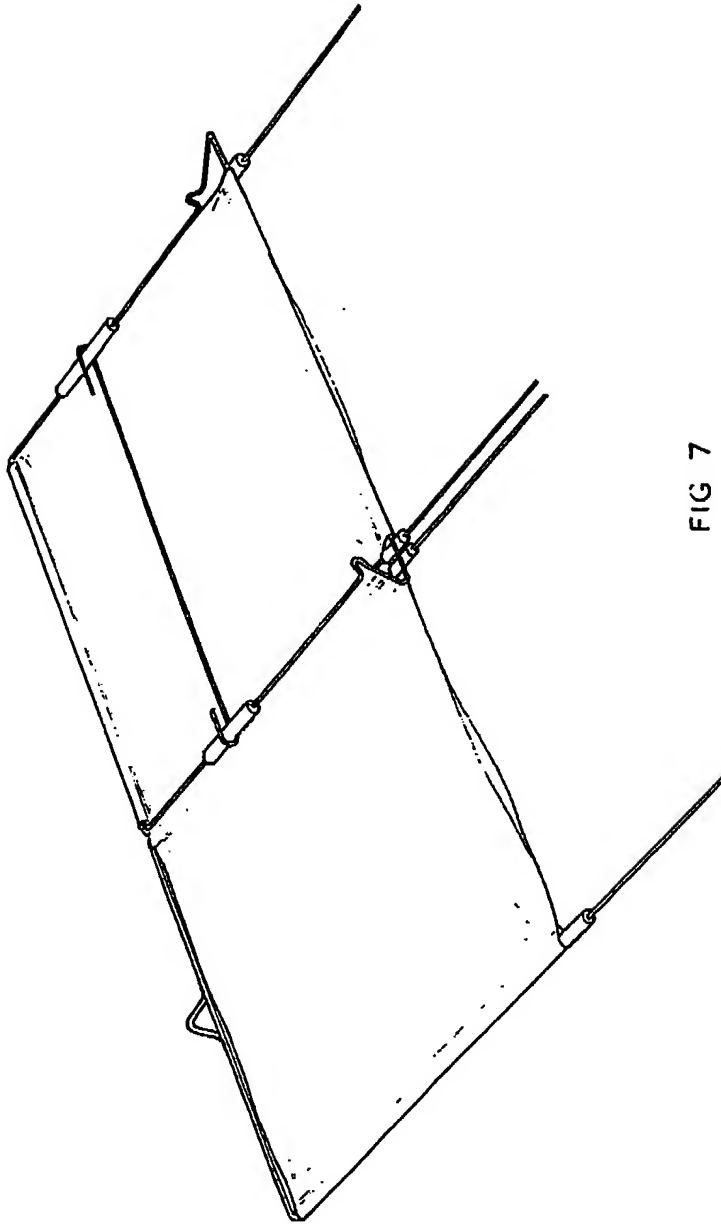
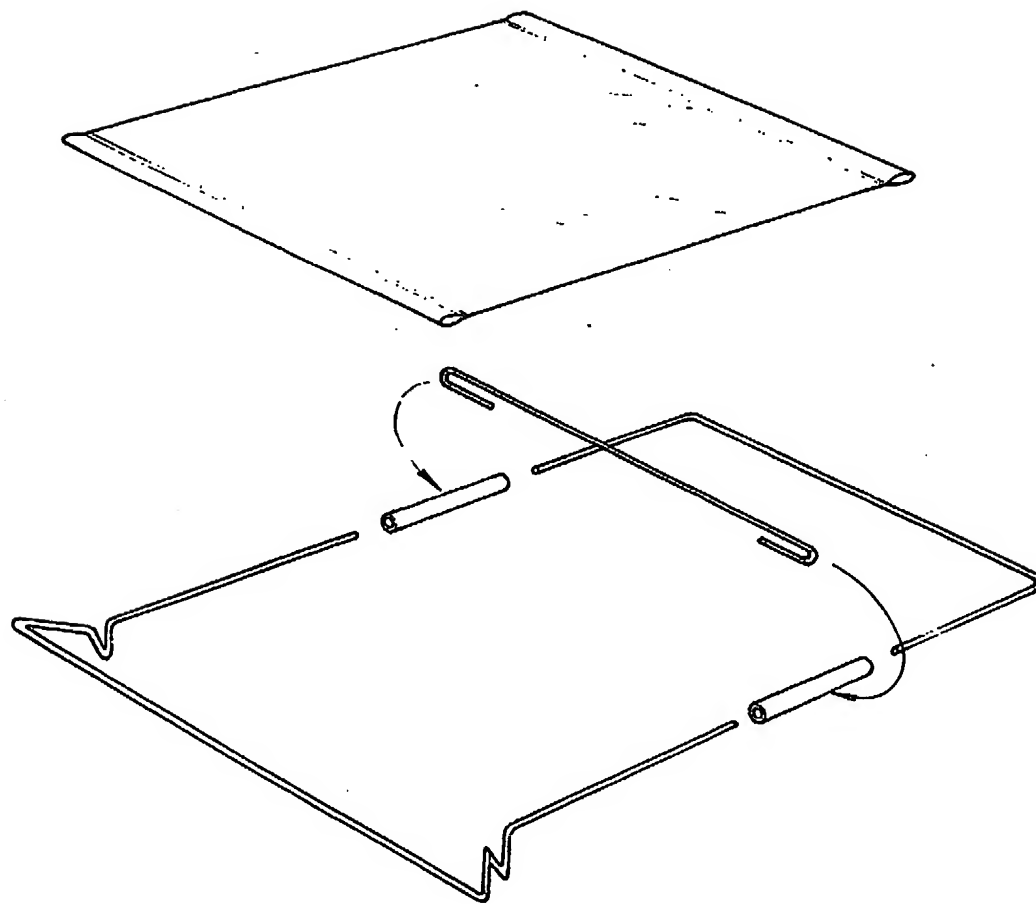


FIG 7  
COLLAPSED



LID

FIG 8

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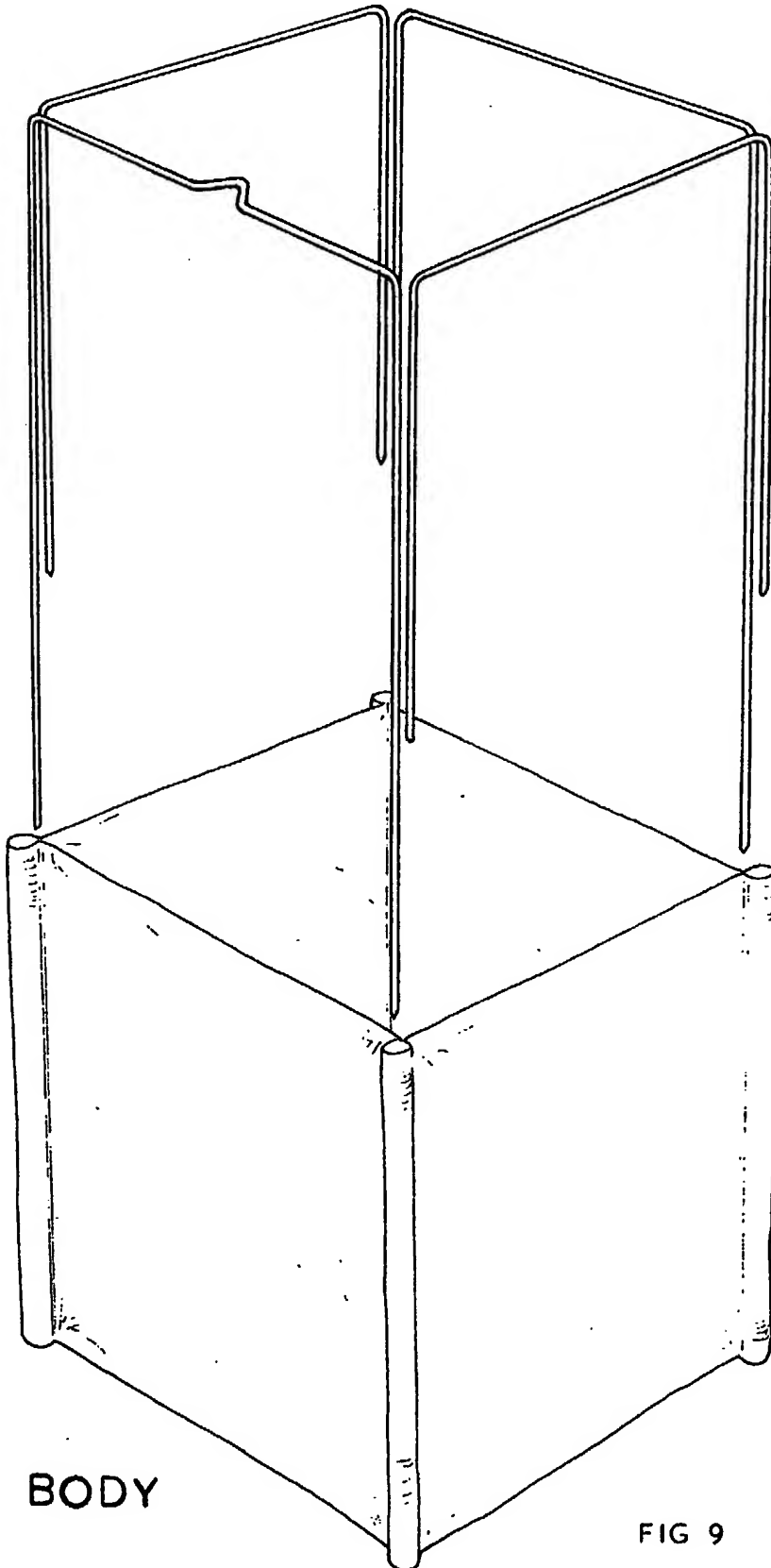


FIG 9



## SPECIFICATION

### Collapsible cloche

- 5 1. This invention relates to a Collapsible Cloche.  
 2. Cloches are available in various forms to provide protection for plants from harsh weather conditions and also provide concentrated heat to promote the growth of certain plants and vegetables.  
 10 3. Cloches are usually assembled in Kit Form or are one piece rigid constructions which occupy space when not in use.  
 4. They usually have to be removed from the ground to allow for watering of the plants and most have separate end pieces which are difficult to seal against the main body of the Cloche.  
 15 5. According to the present invention, which is an individual Cloche, no assembly is required as the assembly hinges out to allow instant erection from its flat pack form.  
 20 6. A specific embodiment of the invention will now be described by way of example with reference to the accompanying drawings in which:—  
 Figure 1: Shows the Cloche in its closed position.  
 25 For maximum protection against harsh conditions.  
 Figure 3: Shows the Cloche in its vented position. To provide good air circulation.  
 Figure 6: Shows the Cloche in its open position. To allow for watering or inspection of the plant, without removal of the Cloche from the ground.  
 30 Figure 7: Shows the Cloche folded down in its flat form for storage.  
 Referring to Figure 9 the Cloche comprises of a U.V. stabilised polythene body with welded corner seams to provide pockets for the PVC coated steel frames to hinge in.  
 35 The lid is of a similar construction but with the addition of Silicone rubber tube hinges which perform two functions as follows:—  
 40 Function 1: Is to provide a flexible hinge for the lid, to allow the "vented" position to be achieved.  
 Figure 4: Showing flexible position.  
 Function 2: Is to provide a tension spring action to retain the lid in the "closed" position.  
 45 Figure 2: A latch arrangement is provided to secure the lid in the "vented" position.  
 In order to prevent the Polythene body from sliding down the steel framework, plastic or silicone rubber tubing is utilised to lock the frames together and act as stops. See Figure 5.  
 50 After use, the Cloche can be collapsed down to its flat form for storage.

### CLAIMS

- 55 1. A Collapsible Cloche comprising of a body with hinged lid designed for instant erection to its finished form, with no prior assembly.  
 The Cloche to allow for ventilation, watering and inspection of the plant(s) without removal of the Cloche from the soil and be stored away in a flat form after use.  
 60 2. A Collapsible Cloche as claimed in Claim 1 wherein means are provided for secondary hinging of the lid to give an apex form for venting.  
 3. A Collapsible Cloche as claimed in Claim 1 or Claim 2 wherein a flexible secondary hinge is provided

to also act as a means of securing the lid in a "closed" position.

4. A Collapsible Cloche as claimed in Claim 2 or Claim 3 wherein a latch arrangement is provided to secure the hinged lid in the "vented" position.

5. A Collapsible Cloche substantially as described herein with reference to figures 1—9 of the accompanying drawings.

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